

REMARKS

This Amendment is in response to the Office Action mailed on March 23, 2006 in which claims 1-20 were rejected. With this Amendment, claims 1-20 are amended and claim 21 has been added as a new claim in the application. Applicants respectfully request reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

In section 4 of the Office Action, the Specification was objected to based on informalities. With this Amendment, the Specification has been amended in accordance with the Examiner's suggestion. Therefore, the objection should be withdrawn.

In section 5 of the Office Action, claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' Admission of Prior Art (AAPA) in view of Arai, U.S. Patent No. 6,122,235.

The Office Action alleges that pages 1-2 of the specification of the present invention is AAPA. This allegation is respectfully traversed. Those pages do NOT use the term "prior art." In the absence of such a recognized admission, Applicants respectfully request that the Patent Office show with specificity, including citation to the Patent Laws and Regulations, the MPEP and/or case law, where the corresponding disclosure can be construed as AAPA. Furthermore, if such specifics can be shown, the Patent Office is further requested to provide the earliest date that the AAPA can be considered prior art. In the meantime, the following remarks are made assuming AAPA exists.

Claim 1 requires "(a) establishing minimal and maximal numbers of read retry attempts; (b) iteratively attempting reading successive copies of the information until either the information is successfully read or the system information is not successfully read from any copy of the information after the minimal number of attempts; and (c) if the information is not

successfully read in step (b), iteratively attempting reading successive copies of the information until either the information is successfully read or the information is not successfully read from any copy of the information after the maximal number of attempts."

The Office Action correctly points out that AAPA does not teach the above-noted features of claim 1. In fact, AAPA makes no suggestion of those features. As a result, the Office Action relies on Arai ('584) (citing FIG. 3 and its corresponding description.)

Applicants first point out that the entire Arai reference teaches or suggests nothing about data recovery in connection with multiple copies of information. Arai only addresses reducing a number of retries when a read error occurs in a specific sector. Further, the assertion in the Office Action, that FIG. 3 of Arai and the corresponding description teaches establishing a minimal and maximal number of retry attempts, is incorrect. FIG. 3 of Arai and the corresponding description includes only a single predetermined number of retry attempts (step st8), which appears to be a maximal number of read retry attempts. Steps st1-st5 of Arai's FIG. 3, which the Office Action out points to as teaching a minimal number of read retry attempts, only relate to a process of selecting and using appropriate read/retry parameters to help reduce a number of read retry attempts. No minimal number of retry attempts is established in steps st1-st5. In fact, nothing in the Arai reference teaches or suggests establishing a minimal number of retry attempts. Further, since the remaining elements of claim 1 require multiple copies of information and minimal and maximal read retry attempts, the Arai reference fails to teach or suggest any of the claim 1 elements. Consequently, claim 1 is non-obvious and therefore allowable over the cited references.

Independent claims 7 and 13 have elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1 Applicants submit that independent claims 7 and 13 are allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly, from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown or suggested in the cited references.

Claim 21 has been added as a new claim in the application. New independent claim 21 includes certain subject matter of claim 1. Specifically, new claim 21 features "establishing minimal and maximal numbers that define two levels of retry attempts to read information on a storage medium." For reasons provided above, neither AAPA nor Arai, taken alone or in combination, teach or suggest establishing minimal and maximal numbers that define two levels of retry attempts. Therefore, Applicants respectfully request consideration and allowance of new claim 21.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-21. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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